Mr. C. ACHYUTA MENON (*Mulakunnattukavu*).

I do not want to press this motion. I have already dealt with this subject in my motion on the Test Audit.

The motion of Mr. Achyuta Menon was allowed to be withdrawn.

Demand XIV was voted by the House without any reduction.

DEMAND XV—Law & Justice—Rs. 2·40 lakhs.

Motion Nos. 48, 49 and 50.

Mr. N. PADMANABHA MENON (*Cranganur*).

To reduce the allotment of Rs. 4,800 for salary to the Legislative Assistant to the Government Advocate by Rs. 1,200.

Mr. T A. RAMACHANDRA AYYAR (*Nellayi*).

To reduce the allotment of Rs. 4,800 for Sirkar Vakils and the Legislative Assistant to the Government Advocate by Rs. 600.

Mr. A. B. SALEM (*Jews*).

To reduce the allotment of Rs. 13,515 for Law Department by one rupee.

Mr. A. SANKARA MENON (*Government Advocate and Law Member*).

Sir, I rise to move for a grant, not exceeding Rs. 1,45,722, under Demand XV—Law & Justice. The total amount of Rs. 2,40,100 for next year is less than that of the revised estimate for this year by Rs. 100.

Mr A. K VENGU AYYAR (*Secretary to the Diwan*).

The increase under salaries is mainly due to the increments provided.

Mr. A. B. SALEM (*Jews*).

May I know, Sir, why, on page 41, under Factories, the fee paid to the Inspectors is put down in italics? How is it? Is it a mistake?

Mr. A. K. VENGU AYYAR (*Secretary to the Diwan*).

It is the fees for the inspection of boilers.

President.—Under the Factories Regulation, the Inspector is entitled to statutory fees. And so, those fees have to be paid, and nobody can question it.

Mr. A. B. SALEM (*Jews*).

Expenditure under any law cannot be questioned.

President.—Should he not be paid?

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Mr. A. B. SALEM (*Jews*).

Nobody disputes that.

President.—The fees are collected by the Government and paid to him.

Mr. A. B. SALEM (*Jews*).

It is an expenditure under a law.

Mr. A. SANKARA MENON (*Government Advocate and Law Member*).

It is an expenditure which is obligatory under a law. We collect the receipts on account of inspection, and then it is paid over to the Inspector.

Dr. A. G. MENON (*Pattamangalam*).

On page 38, after the second item, establishment, are put the allotment for the salary of the Law Committee Secretary, Rs. 5, and that for Travelling Allowance. May I know for whom the travelling allowance is meant?

Mr. C. ACHYUTA MENON (*Mulakunnattukavu*).

It is the travelling allowance for all the officers.

Mr. A. SANKARA MENON (*Government Advocate and Law Member*).

It is for the whole department. The Law Committee Secretary has ceased to exist.

Mr. N. PADMANABHA MENON (*Cranganur*).

The first motion, Sir, stands in my name. As no explanation was given by the member in charge of this portfolio about the need for a Legislative Assistant to the Government Advocate in this year's budget, I beg to move this motion. As I remarked before, some explanation ought to have been given. The very designation 'Legislative Assistant' suggests that he is to assist the Government in matters pertaining to legislation. In the Legislative Council Manual, it is stated as one of the duties of the Secretary that he should assist the Government in all matters of legislation.

President.—He is not a full-timed officer.

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Mr. N. PADMANABHA MENON (*Cranganur*).

If the functions of the Secretary are only to supervise the preparation of questions and answers, to supervise the general clerical work done in the Legislative Council Office, I submit, there is no necessity for a Secretary who draws such a high pay.

Mr. S. F. NUNEZ (*Anglo-Indians*).

The pay does not depend upon the work done. It depends upon the status.

Mr. N. PADMANABHA MENON (*Cranganur*).

The work of the Legislative Assistant can be done by the Secretary to the Legislative Council; if necessary, an increase of pay can be given to him.

President.—If the whole work is given to him, the pay will have to be increased.

Mr. N. PADMANABHA MENON (*Cranganur*).

There is no objection. We can abolish the other and save a few hundreds.

President.—How can we save? He is paid only Rs. 100.

Mr. N. PADMANABHA MENON (*Cranganur*).

A full-timed officer, who could do the work of both, can be given Rs. 150. The Secretary to the Legislative Council is paid Rs. 150. The Legislative Assistant to the Government Advocate is paid Rs. 100. The total comes to Rs. 250. By increasing the pay of the Secretary by Rs. 50, we can save Rs. 50. There was no assistant to the Government Advocate in previous years, and this post was created six months ago. It could be seen that there was no necessity six years back, and no explanation is given how a new necessity has arisen now. I press this motion.

Mr. A. B. SALEM (*Jews*).

I beg to support this motion. The duties of the Legislative Council Secretary are laid down in Rule 28 and Standing Order No. 68.

President.—They are laid down there.

Mr. A. B. SALEM (*Jews*).

The question whether the Secretary should be a full-timed or a half-timed officer does not arise at all.

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Now, it is to be explained to this House what the Legislative Assistant is to do. We have been groping in the dark as to what the Legislative Assistant has to do.

President.—You shall have an explanation shortly.

Mr. A. SANKARA MENON (*Government Advocate and Law Member*).

The Government bills are drafted by the Government Advocate and Law Officer. Hitherto, he was being assisted by the Secretary to the Law Committee. Now the Law Committee has ceased to exist. I do not think that the Secretary to the Legislative Council is intended to assist also the Government Advocate in the preparation of Government bills. Therefore, it is necessary that there should be somebody to assist him, or he must be left to do the work for himself. The question is whether he should have an assistant or not. He has got any amount of other work to do, both by way of appearance in court and by way of replying to queries made by Government. Therefore, it is absolutely necessary that he should have an assistant, and without some help, I do not think it will be possible for him to carry on the work properly in time. The only question is what should be his salary and what should be his work? The present incumbent is only a temporary hand, who has been placed under the Huzur Office also. If he has spare time, he can attend to work given to him by the Huzur Office also. That is how the matter stands. The salary also is very moderate, being only Rs. 100 per mensem.

Mr. A. B. SALEM (*Jews*).

May I know whether he is a full-timed officer.

Mr. A. SANKARA MENON (*Government Advocate and Law Member*).

He is also not a full-timed officer.

President.—They asked for Rs. 150, and the Government was pleased to sanction only Rs. 100.

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Mr. A. B. SALEM (*Jews*).

May I know whether the appointment of a full-timed officer would be much better?

President.—That is a matter to be considered.

Mr. C. ACHYUTA MENON (*Mulakunnattukavu*).

The question is whether the Secretary to the Legislative Council should work under the President or under the Government Advocate.

President.—Have you got anybody like that in the Madras Council?

Mr. C. ACHYUTA MENON (*Mulakunnattukavu*).

It is the department under the Law Officer. Here we have nothing like that.

Mr. A. SANKARA MENON (*Government Advocate and Law Member*).

But the Legislative Council Secretary is under the President and not under the Law Officer.

President.—That is the explanation.

Mr. A. B. SALEM (*Jews*).

Sir, I have heard the explanation. Well, it struck me that it is only an explanation for explanation's sake, and not a satisfactory one, to my mind.

President.—No?

Mr. A. B. SALEM (*Jews*).

Sir, in Madras and Travancore, there are full-timed Secretaries to the Legislative Council. It was said here, in Cochin, that, when the Legislative Council comes into existence, the Law Committee's functions would come to an end. It has been said, and it was repeated in the inaugural meeting in the address given by the President. Now, we have got this Council for matters of legislation. Everything will be considered here. Only, where the drawing of bills is concerned, it is to be done in the Huzur Office and looked over by the Government Advocate. In place of the Law Committee, we have got a House with 45 members to take every sort of legislation, sentence by sentence, into consideration here; and so the whole work that will fall upon the department is to draft bills at the outset.

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President.—Is it not an important work?

Mr. A. B. SALEM (*Jews*).

I say it is a very important work—drafting of general bills that have been passed elsewhere! That has been the work here. There is no use of mincing the facts. We must look them squarely in the face. The whole work is the copying of bills, which will be considered here as to its suitability to Cochin or otherwise. There is a department in the Huzur, in the general administrative machinery, which is to deal with Law and Legislation. I could understand a separate graduate clerk or a special graduate-in-Law being entertained as a full-timed worker, in that department, so that his whole attention may be there. Here, we have a practising lawyer, who is given a post as a Legislative Assistant. I should ask the Hon'ble Member for Law whether any assistance has been given by him in the legislation work.

Mr. A. SANKARA MENON (*Government Advocate and Law Member*).

The Civil Procedure Code will have to be amended, and we have got a good number of bills prepared for the next session.

Mr. A. B. SALEM (*Jews*).

Amendment of Civil Procedure Code! This opinion is the valuable opinion of the Government Advocate. What I submit to you, Sir, is, there is a necessity for a full-timed worker. He is not a full-timed worker; he is only a partial worker. That, I submit, is not a good policy at all. In all Councils, we have got a Secretary who is a full-timed worker. If the Honorary Secretary, drawing an allowance, cannot do the work fully, the matter must be considered. Moreover, the Secretary should always be an official, because he has so many things, which have to be looked at from the official point of view. Therefore, it will be advantageous to all to have a full-timed, official Secretary to the Legislative Council; and we will have the benefit of a full-timed officer, instead of burdening a full-timed practitioner with work in which it is very difficult for him to give satisfaction.

President.—You are now on a motion about the Legislative Assistant.

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Mr A. B. SALEM (*Jews*).

The post of the Legislative Assistant may be done away with.

President.—If a full-timed Secretary is appointed, will he be doing this legislative work? He will be under the orders of the President, as was pointed out.

Mr. A. B. SALEM (*Jews*).

And it is the function of this House to do the work of legislation, and the Government can get this work through, if there are Law graduates in the Huzur to deal with the administration of this branch.

President.—There also we will have to pay Rs. 100.

Mr. A. B. SALEM (*Jews*).

I am only questioning the principle and not the pay.

Mr. C. ACHYUTA MENON (*Mulakunnattukavu*).

There is a difference between that and a Legislative Assistant, who is a lawyer.

DIWAN BAHADUR Dr. V. VERGHESE (*Chief Medical and Sanitary Officer*).

He could speak with more authority on the subject than a clerk.

Mr. A. B. SALEM (*Jews*).

I submit that an official Secretary is necessary, because he must understand the trend of all the rules and Standing Orders as a Secretary. The Regulation contemplates a full-timed Secretary. I, therefore, support this motion for the abolition of the post of Legislative Assistant, in order that he may be replaced by a full-timed Secretary to the Legislative Council, who shall do all the work.

Mr. N. PADMANABHA MENON (*Cranganur*).

In view of the assurance given by the President that the Government shall consider the matter, I may be permitted to withdraw the motion.

Dr. A. G. MENON (*Tattamangalam*).

Was there an assurance?

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President.— Will consideration amount to an assurance ? Have you understood me rightly ?

Mr. N. PADMANABHA MENON (*Cranganur*).

I was explicit, Sir, in stating that on the assurance that the matter will be considered, I withdraw.

The motion was, by leave, withdrawn.

President.—The next motion is in the name of Mr. T. A. Ramachandra Ayyar.

Mr. T. A. RAMACHANDRA AYYAR (*Nellayi*).

Mr. President, Sir, regarding the reduction of Rs. 600 I have claimed for under Demand XV, Law and Justice, out of Rs. 4,800, there cannot be any opposition whatever, as the amount is so poor and the need therefor absolutely nil. Considering the fact that capable, experienced and clever candidates could be had easily, for a much less salary than that given to the present incumbent of the post of Secretary to this Council, even working full-time, so as to avoid the necessity of keeping a Legislative Assistant to the Advocate at an extra cost, I am sure Rs. 600, which I have cut from Rs. 4,800, will not be considered as much. I, therefore, call upon the House, most respectfully, to bestow their best considerations in the matter and support my reduction. I might, in passing, remind this House that even good District Munsiffs, working full and overtime, are paid only as much as this Council Secretary, who has to work but little, and that, only for a couple of months at the rate of even much less than an hour per day, if regularly and systematically calculated. Even if the amount is reduced by Rs. 600, I say the full-timed Secretary, without a Legislative Assistant to the Government Advocate, would get Rs. 200, which is much more what a District Munsiff gets. If the present incumbent would be willing to work full-time, the House will have absolutely no objection to retain him, but not otherwise. On these grounds, I request the House to support my motion.

President.—Your motion is to reduce the allotment of Rs. 4,800 for Sirkar Vakils and Legislative Assistant to the Government Advovate by Rs. 600. Is it not put down like that there ? Then, where is the question of the Secretary coming in ?

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Mr. T. A. RAMACHANDRA AYYAR (*Nellayi*).

We can manage without that. We can manage by having a full-timed officer as Assistant to the Government Advocate, if we have a full-timed Secretary. So, considering these facts, I call upon the House to support my motion.

President.— Nobody forthcoming to speak upon this motion? Do you want me to put your motion to vote?

Mr. S. S. KODER (*Mattancheri*).

Should it not be seconded?

Mr. T. A. RAMACHANDRA AYYAR (*Nellayi*)

I withdraw the motion, Sir.

The House permitted the motion to be withdrawn.

President.— The next motion stands in the name of Mr. Salem. Do you press the motion, Mr. Salem?

Mr. A. B. SALEM (*Jews*).

Sir, I have already said what I have to say, when discussing the motion of Mr Padmanabha Menon. I do not press the motion.

Mr. Salem's motion was withdrawn with the leave of the Council.

Motion No. 51.

Mr. A. B. SALEM (*Jews*).

To omit the allotment of Rs. 4,742 for Factories.

Mr. A. B. SALEM (*Jews*).

I have tabled this motion for the omission of the whole amount. That would be a saving to the Government, if it is possible to abolish the whole of that inspecting staff.

President.—Should not the factories be inspected?

Mr. A. B. SALEM (*Jews*).

We have factories, and the inspection is only about the boilers. We have very few factories in the State, roughly 50. We have a Chief Engineer, an Assistant Engineer and two Divisional Engineers. It is easy enough to carry out the work of inspecting boilers by this staff. In place of the Mechanical Assistant, if a man with a knowledge of Boiler Engineering is appointed we would, be effecting considerable saving

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in the State. After all, the inspection of a boiler will not take more than one day, for preparation, and a few hours, for the actual inspection. This is all that is to be done. That factory owner will prepare the boiler to be inspected, and in a couple of hours' work, the inspection of the boiler would be over. I do not say that the Chief Engineer should do it. His status will not permit that. If a person with a knowledge of boilers is appointed in the department, in place of his Assistant, through that channel, we can have all the boilers inspected.

I also wanted to bring to your notice, Sir, that in factories the health of the people that have gathered there should be looked after. It is incumbent on the State to see that in factories women, little boys and children are not worked and sweated. It is natural to find an employer employing these men, who are unfit for work but forced to do their work, if they want their pay. It is only just and reasonable that these persons must be inspected by the Medical Officers of the State. The Chief Medical and Sanitary Officer, as far as I understand, was to inspect all the factories of the State, at least, once a year. I also understand that the rule has been done away with, which I want to bring to the notice of the Government. In the factories, there may be persons suffering from Tuberculosis and other diseases, and they would spread infection, if they are allowed to work there, so that inspection, by the Medical Officers, of the factories of the State is an essential necessity for the well-being of the working population. I, therefore, submit that there is no justification, excepting the fact that the present incumbent of the office has to be provided with another post. The office may be gradually done away with, so that the inspection of the boilers may be done by the Engineering Department. The boilers were to be inspected by the Chief Engineer himself.

Mr. C. ACHYUTA MENON (*Mulakunnattukavu*).

There was no Law.

President.— What difference does it make? It will amount to that.

Mr. V. K. ARAVINDAKSHA MENON (*Chief Engineer*).

Under whom does he work now? You want to work him under the Chief Engineer.

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Mr. A. B. SALEM (*Jews*).

What I want is no new appointment. The Personal Assistant to the Chief Engineer may do the work, if he has qualifications.

President.— The Personal Assistant is for different purposes. He has got his allotted work now. If you want the boiler inspection done, a man should be appointed for that. There is no man in the department now, who could be entrusted with that work.

Mr. A. B. SALEM (*Jews*).

A saving can be effected, if a person having Boiler Engineering knowledge is appointed, under the Chief Engineer, to inspect the boilers.

President.— If he has competency and finds time to do the work.

Mr. A. B. SALEM (*Jews*).

My point was that; and the inspection of the factories by Medical Officers may also be kept in view.

Mr. S. F NUNEZ (*Anglo-Indians*).

I myself have been an eye-witness to the deplorable conditions existing in certain factories. We have got the Factories Act. We find a number of small children and women working beyond the time allotted by the Factories Act; and they are under-paid children too. If sufficient precaution is not taken, I say that the physical condition of the working men would degenerate, and the health of the people would suffer. There may come a time, in the near future, when we will have factories in 4 figures. In view of that development, it is our duty to see that the proper regulation of the factories is put into force. With regard to sanitation and working hours and general health, with regard to women in times of pregnancy, particular consideration should be given. Now, the member representing the Jewish constituency has pointed out that one way of remedying the defect is by asking the Chief Medical Officer to go round the factories and inspect them periodically. The Chief Medical Officer will not be in a position to inspect all the factories. So the Surgeons in the local hospitals may be asked to make monthly inspection, and the Chief Medical Officer may be asked to supervise, once a year, submit a statement and regulate the supervision done by the other Doctors.

President.—The Hospital people are to inspect. **Is it not ?**

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Mr. S. F. NUNEZ (*Anglo-Indians*).

We need not appoint special Doctors unless the local Sub-assistant Surgeon is fully worked.

President.—He shall have to be paid extra. Mr. Salem's point is to save money.

Mr. C. ACHYUTA MENON (*Mulakunnattukavu*).

In England, Factory Inspectors are invariably medical men.

Mr. A. K. VENGU AYYAR (*Secretary to the Diwan*).

In Madras, it is the reverse. These Factory Inspectors are not medical men.

DIWAN BAHADUR Dr. V. VERGHESE (*Chief Medical and Sanitary Officer.*)

They are professional men, specially trained in that line.

President.—What qualification should they have?

Dr. A. G. MENON (*Tattamangalam*).

They must know Engineering, and have passed the Boiler Test.

Mr. C. ACHYUTA MENON (*Mulakunnattukavu*)

There is this thing, that one of the Engineers should be put under the orders of the District Magistrate.

President.—In view of this discussion, is it necessary to put the motion to votes?

Mr. A. B. SALEM (*Jews*).

I do not want to press it. I only wanted the matters to be presented before the House. I do not want the motion to be put to votes.

The motion was, with the leave of the House, withdrawn. The grant for Law and Justice was made.

DEMAND XVI—Jails —Rs. 40 lakh.

Mr. S. F. NUNEZ (*Anglo-Indians*).

To reduce the allotment of Rs. 10,600 for Jail supplies (Diet of Prisoners) by Rs. 600.

Mr. A. K. VENGU AYYAR (*Secretary to the Diwan*).

Sir, I rise to move for a grant of Rs. 37,976 under Demand XVI—Jails. It will be clear from the detailed statement and the Preliminary Budget that the expenditure provided for 1101 is Rs. 41,000, and is less than the revised estimate for 1100, which is Rs. 40,600, and does not, therefore, call for any serious remarks.

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